

to abutting property owners.

The initial problem with this argument is that it does not appear that the plaintiffs have good and merchantable title to Lot No. 85. The chain of plaintiffs' title recited in the bill of complaint recites that Nicholas Hall Pitts, Executor, conveyed Lots Nos. 83 and 84 (Plaintiffs' Exhibit C) to Christian Harding and that thereafter, Harding conveyed Lots Nos. 84 and 85 (Plaintiffs Exhibit D) to Jacob Cronise, et al., Trustees, of the Primary School for District No. 62. The bill of complaint does not explain the source of Harding's title to Lot No. 85 but merely recites that the reference to Lot No. 83 (rather than Lot No. 85) is an error. The bill of complaint does not recite the method or the means by which Christian Harding acquired title to Lot No. 85, but rather indicates that Harding did not have title to the subject lot.

The general rule of law governing the description of real property conveyed is set forth in 6 M.L.E., Conveyancing, Sec. 111 where it is stated:

"In order to determine the property conveyed by a deed, the intention of the parties as expressed in the deed governs. Such intention should be gathered from a construction of the instrument as a whole, viewed in the light of the situation of the parties and the circumstances attending its execution."

Plaintiffs have not established their title to Lot No. 85 and accordingly, the Court cannot grant the relief requested of declaring that the plaintiffs are fee simple owners of Lot No. 85 and the beds of Federal Street and North Alley to the extent that Lot No. 85 abuts said roads.